

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dickey *et al.* Confirmation No.: 9129
Appl No.: 10/574,046 Group Art Unit: 1646
Filed: January 31, 2007 Examiner: Hissong, Bruce D.
For: ALPHA INTERFERON VARIANTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated February 11, 2009, in which the Examiner has required restriction between:

- **Group I, namely Claims 1-29, 35-43, 58-59, 63-70, and 85-86,** drawn to purified polypeptides; further, if electing Group I, Applicants are required to specifically elect a polypeptide selected from SEQ ID NOS:6-10 and the corresponding precursor polypeptides of SEQ ID NOS:1-5. If the elected polypeptide is found to be free of the art, then any combination of polypeptides comprising the elected polypeptide will also be searched.
- **Group II, namely Claims 30-34, 44-57, and 71-84,** drawn to polynucleotides encoding the polypeptides of Group I, host cells, and methods of producing polypeptides; further, if electing Group II, Applicants are required to specifically elect a polynucleotide encoding a polypeptide selected from SEQ ID NOS:6-10 and its corresponding precursor polypeptide selected from SEQ ID NOS:1-5.
- **Group III, namely Claims 60-62 and 87-89,** drawn to plants expressing polynucleotides of Group II; further, if electing Group III, Applicants are required to specifically elect a polynucleotide encoding a polypeptide selected from SEQ ID NOS:6-10.

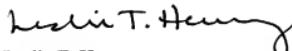
Applicants hereby elect without traverse to prosecute the claims of Group II (Claims 30-34, 44-57, and 71-84), as drawn to a polynucleotide encoding the 157-aa truncated variant of mature human alpha-2b-interferon (SEQ ID NO:10) and its corresponding precursor polypeptide (SEQ ID NO:5). Applicants expressly reserve the right to file divisional applications or

take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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